IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

OP.No. 7447 of 2002(J)

PETITIONER:

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1. K.U.BABY, AGED 47 YEARS, SON OF ULAHANNAN, PRESIDENT, PATHANAMTHITTA RANGE KALLUCHETHU VYAVASAYA THOZHILALI CO-OP.SOCIETY LTD NO.PT-177, PATHANAMTHITTA, PATHANAMTHITTA DISTRICT

2. K.G.PUSHPARAJAN, SON OF GOVINDAN, SECRETARY, PATHANAMTHITTA RANGE KALLUCHETHU VYAVASAYA THOZHILALI CO-OP.SOCIETY LTD.NO.PT-177, PATHANAMTHITTA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.C.THOMAS (SR.)

RESPONDENTS:

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1. THE WELFARE FUND INSPECTOR, KERALA TODDY WORKERS WELFARE FUND BOARD, THIRUVALLA, PATHANAMTHITTA DISTRICT.

2. THE DEPUTY TAHSILDAR (RR), VAIKOM, KOTTAYAM DISTRICT.

3. THE DEPUTY TAHSILDAR (RR),ADOOR, PATHANAMTHITTA DISTRICT.

4. THE VILLAGE OFFICER, ERATH, ADOOR, PATHANAMTHITTA DISTRICT.

5. THE VILLAGE OFFICER,KOTHANELLOOR VILLAGE VAIKOM TALUK, KOTTAYAM DISTRICT.

R2 TO 5 BY G.P. SMT.SMITHA SUKUMAR
R1 BY ADV. SRI.K.HARILAL, SC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.13247/2002 IN O.P. NO.7447/2002

DISMISSED:

6.12.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: PHOTOCOPY OF NOTICE DT.28.1.2002 ISSUED BY R4.

P2: PHOTOCOPY OF ORDER DT.30.1.2002 IN CMP NO.6116/2002 IN O.P. NO.3416/2002 OF THIS HON'BLE COURT.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.7447 of 2002

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Dated this the 6th day of December, 2007.

JUDGMENT

Even though the President and Secretary of the Society are not personally liable for the liability of the society towards Toddy Workers Welfare Fund contribution by virtue of decision of this court reported in 2002(1) KLT 226, the respondents are free to take appropriate action under the statute including prosecution for those who did not collect and remit the contribution. The O.P. is accordingly disposed of directing the respondents not to proceed for recovery of the liability of the society from the petitioners personally, but leaving freedom to the respondents to proceed for recovery against assets of the society and to take action against any person under the statute.

C.N.RAMACHANDRAN NAIR
Judge

pms